

REMARKS

Status of the Claims

Claims 1-20 were filed in the present application. These claims have been subjected to a restriction requirement. Claims 10-12 and 18-20 have been withdrawn from consideration as drawn to non-elected inventions. Claims 1-9 and 13-17 have been rejected under various rejections. Therefore, Claims 1-20 remain pending in this application, however, only Claims 1-9 and 13-17 are currently under consideration.

Restriction Requirement

The Office has required restriction to one of the following groups of claims:

Group I: Claims 1-9 and 13-17, drawn to an integral disposable absorbent garment, classified in Class 604, subclass 402;

Group II: Claims 10-12, drawn to a method of applying an absorbent garment about a human lower torso, classified in Class 604, subclass 317; and

Group III: Claims 18-20, drawn to a method of applying an absorbent garment about a human lower torso, classified in Class 604, subclass 317.

During a telephone conversation with the undersigned on April 6, 2001, the Examiner identified four groups of claims (Group I including Claims 1-9, and a different Group III including Claims 13-17). During this conversation, the undersigned provisionally

elected the original Group I, with traverse. Apparently, this group has been modified to include original Group III. Applicant hereby confirms the provisional election of currently defined Group I, with traverse, and respectfully requests reconsideration of the Restriction Requirement.

The Office Action indicates that Groups I, II and III are related as product and process of use. It indicates that the product as claimed can be used without releasably attaching the suspension belt distal end to the belt and/or without orienting the first belt end toward the anterior portions of the torso while releasably attaching the second belt end thereto.

Applicant submits that the claims in the groups are related, and complete examination cannot be made of any individual group of claims without searching and considering the art in the other groups' classification. This is especially true for Groups II and III that are classified identically. Therefore, Applicant submits that it would be more efficient to search and examine all claim groupings together. That being the case, Applicant submits that it would be more burdensome upon him to have to prosecute three separate applications for the identified claims than it would be for the Patent Office to examine the groups together. Reconsideration and withdrawal of the restriction requirement are hereby respectfully requested.

Rejections

Claims 1-9 and 13-17 stand rejected under 35 U.S.C. §102(b) as anticipated by Yamamoto et al., U.S. Patent No. 5,607,416 (hereinafter "Yamamoto"). Applicant respectfully traverses this rejection.

The present invention, as defined by Claim 1, relates to an integral disposable absorbent garment that may be worn about a human lower torso. The garment includes a suspension sling for absorbing and containing body exudates. The suspension sling has longitudinally extending suspension sling side margins, a suspension sling distal end and a suspension sling proximal end. The suspension sling can be suspended in a wearer's crotch region.

The garment also includes a waist belt having a first belt end secured to the suspension sling proximal end and a second belt end. The waist belt is capable of encircling a user's waist with the suspension sling suspended in the wearer's crotch region.

The invention, as defined by Claim 13, also relates to an integral disposable absorbent garment that may be worn about a human lower torso. The garment includes a waist belt having a first belt end, a second belt end, and a pair of sling attachment locations. The first sling attachment location is disposed proximate the first belt end, and a second sling attachment location is disposed between the first and second belt ends. The garment also includes a suspension sling for absorbing and containing body exudates. The suspension sling has longitudinally extending suspension sling side margins, a suspension sling distal end and a suspension sling proximal end. The suspension sling can be attached to the first and second sling attachment locations on the belt and suspended in a wearer's crotch region.

Yamamoto purports to disclose a disposable absorbent pad attached to a support member placed about a wearer's waist. The support member, such as an elastic waist band, is formed separately from the absorbent pad member. Opposite ends of the waist band may be detachably fastened together or the waist band

may have an endless fashion, a closed loop. The ends of the waist band are shown in Fig. 1 as being attached on the side of the wearer, approximately midway between the pad member ends. Indeed, Yamamoto indicates "the fastener means 13a, 13b of the waist band 2 are located so as to leave the abdominal center free" (Col. 4, lines 56-57).

The Office Action indicates that Yamamoto discloses an integral disposable absorbent garment. It appears to argue that Yamamoto discloses all of the features of Claim 1 and therefore anticipates this claim. However, the Office Action fails to point to any disclosure in Yamamoto that its waist band has a first end secured to the pad member proximal end. Therefore, this reference fails to anticipate Claim 1. Further, Yamamoto teaches that it is helpful to have its waist band ends fastened at the side of the wearer (Fig. 1) and away from the abdominal center of the product (Col. 4, lines 56-57). Thus, Yamamoto teaches away from the presently claimed invention.

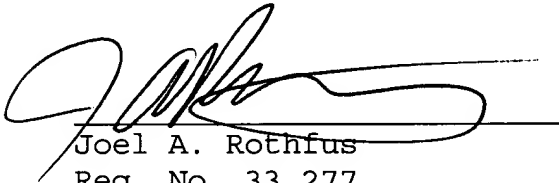
In addition, Applicant respectfully points out that Claim 13 has distinct requirements, and the Office Action fails to point to any disclosure in Yamamoto that its waist band has a first sling attachment location proximate the first belt end and that the pad member end is attachable to this attachment location. Therefore, this reference fails to anticipate Claim 13. In addition, for the reasons described above in reference to Claim 1, Applicants also respectfully submit that Yamamoto teaches away from the invention claimed in Claim 13.

For these reasons, Applicants respectfully submit that Yamamoto fails to teach or disclose the presently claimed invention. Further Applicants respectfully point out that the

disclosure of Yamamoto teaches away from the claimed invention.
Reconsideration of this rejection is respectfully requested.

Applicant believes that the foregoing presents a full and complete response to the outstanding Office Action. Applicant looks forward to an early notice of allowance for this application.

Respectfully submitted,



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